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20
21 **UNITED STATES DISTRICT COURT**
22 **SOUTHERN DISTRICT OF CALIFORNIA**
23

24 RICHARD EDELMAN,

25 Plaintiff,

26 v.

27 UNITED STATES SECURITIES
28 AND EXCHANGE COMMISSION,

Defendant.

Case No.: 15-CV-2750-BEN-BGS

**MODIFIED JOINT PROPOSED
BRIEFING SCHEDULE**

1 On November 4, 2016, the parties jointly proposed a summary judgment
2 briefing schedule for this action. Since that time, the parties have met and
3 conferred regarding Defendant's withholdings and the Vaughn index that
4 Defendant previously provided to Plaintiff. Plaintiff has agreed not to
5 challenge certain of Defendant's withholdings, and has raised concerns
6 regarding other withholdings. In response to those concerns, Defendant the
7 SEC is in the process of supplementing its Vaughn index and preparing
8 additional records to release to Plaintiff. The purpose of this process is to
9 narrow the issues before the Court on summary judgment.

10 In order to allow the SEC time to complete its supplemental Vaughn
11 index and supplemental production, the parties jointly propose the following
12 amended schedule:

13 **January 17, 2017:** Defendant shall make its supplemental production of
14 records to Plaintiff's counsel, and shall do so by email unless technically not
15 feasible.

16 **January 24, 2017:** Defendant shall file its motion for summary
17 judgment as to (1) the 1,442 pages of records that Defendant previously
18 processed under FOIA, and (2) the 97-page index which was provided to the
19 SEC by Malkin Holdings.

20 **February 21, 2017:** Plaintiff shall file his opposition to Defendant's
21 summary judgment motion, and, if desired, file his own motion for summary
22 judgment on these issues.

23 **March 7, 2017:** Defendant shall file its reply in support of its motion for
24 summary judgment, and its opposition to Plaintiff's motion for summary
25 judgment.

26 **March 14, 2017:** Plaintiff shall file his reply brief in support of his
27 motion for summary judgment.
28

1 **Hearing on Motions:** The parties request a motion hearing at a date
2 following the completion of briefing, subject to the Court's schedule.

3 **Mandatory Settlement Conference:** As discussed during the
4 November 3, 2016 status conference with the Chambers of Magistrate Judge
5 Skomal, the parties request that a Mandatory Settlement Conference take
6 place following the District Court's decision on the motions for summary
7 judgment. That conference has currently been set for **April 10, 2017**.

8
9 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative
10 Policies and Procedures of the United States District Court for the Southern
11 District of California, I certify that the content of this document is acceptable
12 to all signatory counsel, and that I have obtained their authorizations to affix
13 their electronic signatures to this document.

14
15 DATED: January 6, 2017

Respectfully submitted,

16
17 ALANA W. ROBINSON
18 Acting United States Attorney

19 s/ Katherine L. Parker
20 Katherine L. Parker
21 Assistant U.S. Attorney
22 Attorneys for Defendant

23 DATED: January 6, 2017

24 s/ Gary J. Aguirre
25 Gary J. Aguirre
26 Aguirre Law APC
27 Attorney for Plaintiff
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